

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/5/2021
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SANDRA BUTLER, RICKY GIBSON,	:	
O'BRIEN MORRIS, RICHARD EMMETT,	:	
ROSELLE DIAZ, KEVIN FAISON,	:	
SHANIQUEA JACKSON, CENTER FOR	:	
INDEPENDENCE OF THE DISABLED, NEW YORK:	:	
AND COALITION FOR THE HOMELESS,	:	
<i>for themselves and on behalf of all others similarly</i>	:	
<i>situated,</i>	:	15-CV-3783 (VEC)
Plaintiffs,	:	
	:	<u>ORDER</u>
-against-	:	
	:	
CITY OF NEW YORK, THE NEW YORK	:	
CITY DEPARTMENT OF HOMELESS	:	
SERVICES, STEVEN BANKS, <i>as</i>	:	
<i>Commissioner of the New York City Department of</i>	:	
<i>Homeless Services,</i>	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on July 8, 2021, Plaintiffs filed a motion for a temporary restraining order ("TRO") and a preliminary injunction and a motion to enforce the Stipulation of Settlement in this matter, Dkt. 74;

WHEREAS on July 13, 2021, Judge Woods, acting in his capacity as the Part I Judge, entered a TRO, Dkt. 94;

WHEREAS on July 21, 2021, the Court so ordered the parties' stipulation, which converted the TRO into a preliminary injunction to remain in effect until at least August 20, 2021, Dkt. 97;

WHEREAS on August 3, 2021, Plaintiffs filed a motion to amend the preliminary injunction, Dkt. 104;

WHEREAS on August 5, 2021, the parties appeared for a hearing on Plaintiffs' motion; and

WHEREAS having considered the submissions and arguments of the parties, the Court has concluded that Plaintiffs have made a sufficient showing of a likelihood of success on the merits, as well as the other conditions required for the entry of injunctive relief;

IT IS HEREBY ORDERED that for the reasons stated at the hearing, the Court construes Plaintiffs' motion as a motion for a new temporary restraining order, which is granted in part. Defendants, their officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with any of the foregoing are enjoined and restrained from involuntarily moving any Class Member from a De-densification Hotel. The relief imposed herein is incremental to the obligations of Defendants under the existing Preliminary Injunction, Dkt. 97, and the Stipulation of Settlement, Dkts. 67, 70.

IT IS FURTHER ORDERED that the TRO will stay in effect until **Thursday, August 19, 2021**, or until the Court has entered a plan and vacated the TRO. The parties are directed to meet and confer to develop a plan that addresses the elements highlighted at today's hearing. The Court encourages the parties to file jointly an agreed upon plan. If the parties cannot agree on a plan, the City may propose its own written plan unilaterally, upon notice to Plaintiffs. If the City proposes a plan unilaterally, the Court will set a hearing to discuss it. If the parties do not propose an agreed upon plan, and the City does not propose a unilateral plan, the Court will hold a hearing on Plaintiffs' motion for a preliminary injunction on **Monday, August 17, 2021 at 4:00 P.M.**

The Clerk of Court is respectfully directed to close the open motion at docket entry 119.

**SO ORDERED.**

**Date and Time: August 5, 2021, at 5:00 p.m.  
New York, NY**



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**VALERIE CAPRONI  
United States District Judge**